

AN ORDINANCE

**97562**

**AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE MEDICAL CENTER ALLIANCE; ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID IN THE AMOUNT OF \$700,521.69 FROM SAECO ELECTRIC & UTILITY, LTD., IN CONNECTION WITH THE MEDICAL DRIVE AT EWING HALSELL INTERSECTION IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$44,786.69 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES AND \$683.00 FOR ADVERTISING EXPENSES, FOR AN OVERALL TOTAL OF \$745,991.38 FROM 2001 CERTIFICATES OF OBLIGATION; AUTHORIZING THE REIMBURSEMENT FROM CITY PUBLIC SERVICE (CPS) IN THE AMOUNT OF \$230,725.56 FOR UNDERGROUND CONVERSION EXPENSES; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$21,929.25 FOR SEWER AND WATER EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.**

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**WHEREAS**, there has been an increase in development in the Medical Center area causing traffic congestion within the area; and

**WHEREAS**, the City of San Antonio and the Medical Center Alliance (MCA) have expressed a joint interest in reducing this traffic congestion and have agreed to enter into a Development Agreement in which each party funds part of certain improvements in the Medical Center area at the Ewing Halsell and Medical Drive intersection; and

**WHEREAS**, pursuant to the Development Agreement the City is to bid out and award the contract for construction of the improvements and fund the construction of the improvements; and

**WHEREAS**, pursuant to the Development Agreement MCA is to provide the plans and engineering for the improvements subject to City's approval, and fund any cost overruns up to \$75,000.00; and

**WHEREAS**, bids have been submitted to the City for this Project; and

**WHEREAS**, this ordinance accepts the low bid submitted by **Saeco Electric & Utility, Ltd.** in the amount of \$700,521.69 for the Medical Drive at Ewing Halsell Intersection

Improvements Project, \$44,786.69 for construction contingency expenses and \$683.00 for advertising expenses; and

**WHEREAS**, this project will reduce traffic congestion and provide a unique entrance to the Medical Center area; and

**WHEREAS**, this project provides for the addition of right turn lanes for all segments of the intersection, including new traffic signals, landscaping, and pedestrian improvements for approximately 400 feet on Ewing Halsell and 465 feet along Medical Drive; and

**WHEREAS**, City Public Service Board (CPS) has manifested its intent to pay \$230,725.56 for line relocation/replacement associated with this project; and

**WHEREAS**, San Antonio Water System Board has manifested its intent to pay \$21,929.25 for the relocation/replacement of their facilities associated with this project; and

**WHEREAS**, approval of this ordinance will be a continuation of City policy to complete previously approved 2001 Certificates of Obligations funded Capital Improvement Projects,  
**NOW THEREFORE;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee is hereby authorized to execute a Development Agreement between the City of San Antonio and Medical Center Alliance, a copy of which is attached hereto as **Attachment I** and incorporated herein for all purposes.

**SECTION 2.** The low bid of **Saeco Electric & Utility, Ltd.** in the amount of \$700,521.69 in connection with the Medical Drive at Ewing Halsell Intersection Improvements Project is hereby accepted. All other bids will be considered rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of sixty days from the effective date hereof, whichever occurs first. A copy of the proposal is attached hereto as **Attachment II**.

**SECTION 3.** The City Manager, an Assistant City Manager, or an Assistant to the City Manager, is hereby authorized to execute a standard form contract covering said project, a copy which is in substantially the same form as **Attachment III** is incorporated herein for all purposes.

**SECTION 4.** Budgeted Revenues in the amount of \$230,725.56 is authorized to be established in Fund No. 43-171000, 2001 Street Improvements. Revenue Index Code 080911, entitled "Contr Fr CPS (43-171010)", is to be increased upon reimbursement of the project.

**SECTION 5.** Budgeted Revenues in the amount of \$21,929.25 is authorized to be established in Fund No. 43-171000, 2001 Street Improvements. Revenue Index Code

080929, entitled "Contr Fr SAWS (43-171010)", is to be increased upon reimbursement of the project.

**SECTION 6.** The budget in Fund No. 43-171095, 2001 Certificates of Obligation Street Improvements, shall be revised by reducing Index Code 695734, entitled "Unallocated Appropriations", by the amount of \$493,336.57.

**SECTION 7.** The amount of \$700,521.69 is appropriated in Fund No. 43-171010, 2001 Certificates of Obligation Street Improvements, in Index Code 770123, entitled "Construction Contract", and is authorized to be encumbered and made payable to **Saeco Electric & Utility, Ltd.**, for construction, in connection with the Medical Center Improvements Phase I Project.

**SECTION 8.** The amount of \$44,786.69 is appropriated in Fund No. 43-171010, 2001 Certificates of Obligation Street Improvements, in Index Code 770131, entitled "Construction Contingency", and is authorized to be encumbered and made payable for construction contingency expenses, in connection with the Medical Center Improvements Phase I Project.

**SECTION 9.** The amount of \$683.00 is appropriated in Fund No. 43-171010, 2001 Certificates of Obligation Street Improvements, in Index Code 770149, Advertising, and is authorized to be encumbered and made payable for advertising expenses, in connection with the Medical Center Improvements Phase I Project.

**SECTION 10.** The City Public Service Board (CPSB) participates in the cost of gas line replacement, relocation or adjustment to CPSB lines required in City Public Works projects, and the City hereby requests that CPSB participate in the cost of such work involved in this project in an amount totaling \$230,725.56 and acknowledges and accepts the commitment of CPSB to reimburse the City such cost and any further cost in addition to the above costs that may be required in order to complete the CPSB facilities adjustments and required to be paid to the contractor.

**SECTION 11.** The Director of Public Works shall bill CPSB for the above CPSB facilities adjustments work paid to the contractor including any cost overrun required to complete the CPSB facilities adjustments. Collections from CPSB shall be forwarded to the Director of Finance and deposited in Fund No. 43-171000 to the credit of Revenue Account Index Code 080911. The budget of said Project Number is authorized to be amended by the amount of the additional costs required on the CPSB facilities adjustments, and the construction contract herein awarded is authorized to be amended in accordance with the City's CPSB field alteration procedure, administratively or by ordinance, as applicable.

**SECTION 12** The San Antonio Water System (SAWS) participates in the cost of replacement, relocation or adjustment to SAWS water and sewer work required in City public works projects, and the City hereby requests that SAWS participate in the cost of such work involved in this project in an amount totaling \$21,929.25. This ordinance is contingent

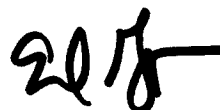
upon receipt of the commitment of SAWS through its approval by San Antonio Water System Board's Resolution to reimburse the City such cost and any further cost in addition to the above costs that may be required in order to complete the SAWS facilities adjustments and required to be paid to the contractor.

**SECTION 13** The Director of Public Works shall bill SAWS for the above SAWS facilities adjustments work paid to the contractor including any cost overrun required to complete the SAWS facilities adjustments. Collections from SAWS shall be forwarded to the Director of Finance and deposited in Fund No. 43-171000 to the credit of Revenue Account Index Code 080929. The budget of said Project Number is authorized to be amended by the amount of the additional costs required on the SAWS facilities adjustments, and the construction contract herein awarded is authorized to be amended in accordance with the City's SAWS field alteration procedure, administratively or by ordinance, as applicable.


**SECTION 14.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.


**SECTION 15.** This ordinance shall take effect on the 11th day of May 2003.

**PASSED AND APPROVED** this 1st day of May, 2003.



M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney